

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	Confirmation No.: 7239
Sunny K. Yee et al.	§	
	§	Group Art Unit: 2176
Serial No.: 10/677,002	§	
	§	Examiner: Hillery, Nathan
Filed: October 1, 2003	§	
	§	
For: Method and Apparatus for Supporting	§	Atty. Docket: NUHP:0119
Page Localization Management in a	§	200207281-1
Web Presentation Architecture	§	

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<u>January 14, 2008</u>	<u>/Tait R. Swanson/</u>
Date	Tait R. Swanson

**APPEAL BRIEF PURSUANT TO 37 C.F.R. §§ 41.31 AND 41.37**

This Appeal Brief is being filed in furtherance to the Notice of Appeal and the Pre-Appeal Brief Request for review electronically filed on September 7, 2007, and also in furtherance to the Panel Decision mailed on December 12, 2007.

The Commissioner is authorized to charge the requisite fee of \$510.00, and any additional fees which may be necessary to advance prosecution of the present application, to Account No. 08-2025, Order No. 200207281-1.

1. **REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, L.P., the Assignee of the above-referenced application by virtue of the Assignment recorded at reel 014581, frame 0621, and dated October 1, 2003. Accordingly, Hewlett-Packard Development Company, L.P., as the parent company of the Assignee of the above-

referenced application, will be directly affected by the Board's decision in the pending appeal.

2. **RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any other appeals or interferences related to this Appeal. The undersigned is Appellants' legal representative in this Appeal.

3. **STATUS OF CLAIMS**

Claims 1-27 are currently pending, are currently under final rejection and, thus, are the subject of this Appeal.

4. **STATUS OF AMENDMENTS**

As the instant claims have not been amended at any time, there are no outstanding amendments to be considered by the Board.

5. **SUMMARY OF CLAIMED SUBJECT MATTER**

The present invention relates generally to a system and method to provide localization management of web pages, more particularly in the context of a web presentation architecture. Application, paragraph [0033]. More specifically, the present Application provides a system and method for selecting a localized page from a plurality of localized-versions of the page, based on different locale parameters. *Id.*, paragraphs [0033]-[0034]. For example, in one embodiment a system may include a controller generator having a controller and a localization manager. The controller may receive requests from users and respond to the requests by obtained requested data. The localization manager may employ a variety of localization control logic to a localized page from a plurality of localized pages, based on different locale parameters, such as language, country, variant, etc. The Application contains four independent claims, namely, claims 1, 8, 15, and 18, all of which are the subject of this Appeal. The subject matter of these independent claims is summarized below.

With regard to the aspect of the invention set forth in independent claim 1, discussions of the recited features of claim 1 can be found at least in the below cited locations of the specification and drawings. By way of example, an embodiment in accordance with claim 1 provides a system, e.g., a computer system, having a controller generator (e.g., web presentation architecture 100). Application, paragraph [0016]. The controller generator is adapted to provide an application with a controller (e.g. WPA controller 102) that receives requests (e.g. request 148) for data from users and responds to the requests by obtaining requested data. *Id.*, paragraph [0016]-[0017]. The system also includes a page localization generator (localization manager 106) that is adapted to select a localized page based on at least one locale parameter. Application, paragraph [0024].

With regard to the aspect of the invention set forth in independent claim 8, discussions of the recited features of claim 8 can be found at least in the below cited locations of the specification and drawings. For example, an embodiment in accordance with claim 8 provides a method of creating an application that includes creating, with a processor-based device (e.g. a computer system), a controller (e.g. WPA controller 102) that receives requests for data from users and responds to the requests by obtaining requested data. Application, paragraph [0016]-[0017]. The method also includes providing a page localization manager (e.g. localization manager 106) that identified a locale-version of a requested page from a plurality of localized pages. *Id.*, paragraph [0033].

With regard to the aspect of the invention set forth in independent claim 15, discussions of the recited features of claim 15 can be found at least in the below cited locations of the specification and drawings. For example, an embodiment in accordance with claim 15 provides a system for creating an application that includes means (e.g., WPA 100) for creating a controller (e.g., controller 102) that provides control functions for the application, the controller (e.g., controller 102) being adapted to receive requests (e.g., 148) for data from users (e.g., client 14) and respond to the requests by obtaining

requested data. Application, paragraph [0016]-[0017]. Additionally, the system includes means (e.g., localization manager 106) for selecting a localized version of a requested page based on at least one locale parameter.

With regard to the aspect of the invention set forth in independent claim 18, discussions of the recited features of claim 18 can be found at least in the below cited locations of the specification and drawings. For example, an embodiment in accordance with claim 18 includes a program for creating an application that includes a machine readable medium and page localization control logic (e.g. process 200) stored on the machine readable medium. Application, paragraph [0033]. The page localization control logic is adapted to identify (e.g. steps 216, 222, and 226) a localized one of a plurality of localized pages corresponding to a requested page. *Id.*, paragraphs [0040]-[0042].

6. **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

**First Ground of Rejection for Review on Appeal:**

Appellants respectfully urge the Board to review and reverse the Examiner's first ground of rejection in which the Examiner rejected claims 1-23 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

**Second Ground of Rejection for Review on Appeal:**

Appellants respectfully urge the Board to review and reverse the Examiner's second ground of rejection in which the Examiner rejected claims 1-27 under 35 U.S.C. § 102(b) as being anticipated by Parasnis et al., U.S. Publication No. 2001/0044809 (hereinafter "Parasnis").

7. **ARGUMENT**

As discussed in detail below, the Examiner has improperly rejected the pending claims. Further, the Examiner has misapplied long-standing and binding legal precedents and principles in rejecting the claims under Sections 101 and 102. Accordingly,

Appellants respectfully request full and favorable consideration by the Board and reversal of the outstanding rejections. Appellants strongly believe that independent claims 1, 8, 15, and 18 and their dependent claims are currently in condition for allowance.

A. **Ground of Rejection No. 1:**

Claims 1-27 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

1. **Clear legal precedent has been established regarding 35 U.S.C. § 101.**

According to the Supreme Court, congress intended statutory subject matter to “include anything under the sun that is made by man.” *Diamond v. Chakrabarty*, 447 U.S. 303, 308-09; 206 U.S.P.Q. 193, 197 (1980). Indeed, exclusions of statutory subject matter are limited to laws of nature, natural phenomena and abstract ideas. See *Diamond v. Diehr*, 450 U.S. 175, 185; 209 U.S.P.Q. 1, 7 (1981). Other than these specific exceptions, therefore, nearly anything man made is statutorily patentable subject matter under 35 U.S.C. §101.

In determining when process or method claims include statutory subject matter, the Supreme Court in *Diehr* stated that “[t]ransformation and reduction of an article ‘to a different state or thing’ is the clue to the patentability of a process claim that does not include particular machines.” See *id.* 450 U.S. at 183-185, 209 U.S.P.Q. at 6. In addition to the Supreme Court’s transformation and reduction test, the Federal Circuit has developed a second test which may also be used to determine if a claim recites statutory subject matter, namely does the claim produce a “useful, concrete, and tangible result.” In *re Alappat*, 31 U.S.P.Q.2d 1545, 1557 (Fed. Cir. 1994) (en banc). The Federal Circuit further elaborated on this second test by holding that one must look to “the essential characteristics of the subject matter, in particular, its practical utility.” *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 47 U.S.P.Q.2d 1596, 1602 (Fed. Cir. 1998).

However, explaining this “useful, concrete, and tangible” test, the Federal Circuit has stated “the dispositive inquiry is whether the claim as a whole is directed to statutory subject matter.” *In re Alappat*, 31 U.S.P.Q.2d at 1557. Indeed, there has been no requirement from Congress, the Supreme Court, or the Federal Circuit mandating that a specific final result be shown for a claim to qualify under Section 101. See *id.* Rather, the Federal Circuit has specifically stated “the *Alappat* inquiry simply requires an examination of the contested claims to see if the claimed subject matter as a whole is a disembodied mathematical concept representing nothing more than a ‘law of nature’ or an ‘abstract idea,’ or if the mathematical concept has been reduced to some practical application rendering it ‘useful.’” *AT&T Corp. v. Excel Communications, Inc.*, 50 U.S.P.Q.2d 1447, 1451 (Fed. Cir. 1999) (emphasis added). Therefore, if a claim meets either the transformation and reduction test put forth by the Supreme Court, or if the claim, read as a whole and in light of the specification, produces any useful, concrete, and tangible result, the claim meets the statutory requirements of Section 101. See *id.*

To further clarify the legal precedent regarding statutory subject matter under 35 U.S.C. §101, the PTO released a memo dated April 12, 2007 entitled “Clarification of Interim Guidelines For Examination of Patent Applications for Subject Matter Eligibility,” a copy of which is attached as Exhibit 1 of the Evidence Appendix. The memo states that “a claim is for a practical application of an abstract idea, law of nature, or natural phenomenon when the claimed invention ‘transforms’ an article or physical object to a different state or thing, or when the claimed invention produces a useful, concrete and tangible result, See MPEP 2106, subsection IV.C.2.” Exhibit 1, page 1. Further, the memo stresses a focus on the result of claim, stating that “[a] practical application in this context can be the result itself, and does not require that steps or additional limitations be added to the claim.” *Id.* Further, “[i]t is the result that should be the focus...[t]he claim need not include the uses to which the result is ultimately put, just the result itself.” *Id.*

2. **The Examiner's rejection of claims 1-27 based on non-statutory subject matter is improper since the independent claims produce a useful, concrete and tangible result.**

For example, independent claim 1 recites, *inter alia*, "a page localization generator that is adapted to select a localized page based on at least one locale parameter." Independent claim 8 recites, *inter alia*, creating... a controller that receives requests for data" and "providing a page localization manager that identifies a locale-version of a requested page from a plurality of localized pages." Additionally, independent claim 15 recites, *inter alia*, means for creating a controller that provides control functions for the application" and "means for selecting a localized version of a requested page based on at least one locale parameter." Finally, independent claim 18 recites, *inter alia*, "page localizational control logic stored on the machine readable medium and adapted to identify a localized one of a plurality of localized pages corresponding to a requested page." Thus, independent claims 1, 8, 15 and 18 each identify or provide a page localization apparatus that identifies or selects a localized page. Additionally, claims 8 and 15 claim creating a "controller" that performs the claimed functions.

In rejecting independent claims 1-23, the Examiner stated:

- a. The result of the claimed invention remains in the abstract and is not made available to the user; thus it is not tangible.
- b. The claims appear to be in the preliminary stages and fall short of the disclosed practical utility. In other words, the claims fail to fulfill and/or reflect the specific, substantial, and credible utility sought by the disclosed invention, and thus do not produce a useful result.

Final Office Action mailed June 6, 2007, page 2.

Appellants assert that the Examiner is incorrect on both grounds of rejection of claims 1-23. With regard to the first ground of the rejection, that the "result of the

claimed invention remains in the abstract and is not made available to the user,” Appellants note that the “Clarification of Interim Guidelines For Examination of Patent Applications for Subject Matter Eligibility” memo cited above clearly states that “[a] practical application in this context can be the result itself” and [t]he claim need not include the uses to which the result is ultimately put.” Thus, the claim need not make the result available to the user, as the uses for the result need not be included in the claim.

With regard to the second ground of rejection, Appellants do not believe the Examiner has clearly stated a rejection based on the applicable legal guidelines for a rejection under 35 U.S.C. §101. For example, the statement that the claims “appear to be in the preliminary stages” does not provide any basis for rejecting the claims. As stated above, the claims provide a “page localization” apparatus capable of selecting a localized page, and independent claims 8 and 15 also provide a controller that performs various recited functions. In either case, the claims are more generally directed to processing client results and retrieving a selected page. As stated in the specification, the localized page may be displayed in a client browser and may be an HTML or XML formatted page displaying static or dynamic data. Application, paragraph [0021]. For example, the “page localization” enables a user to read web pages in a local language. *Id.*, paragraphs [0033], [0046]. Thus, Appellants assert that processing a client request and retrieving a localized page is a useful, concrete, and tangible result.

Accordingly, based on the preceding discussion and under the clarification provided by the memo, Appellants believe that independent claims 1, 8, 15, and 18 and the claims that depend therefrom clearly provide a result that has “a real world practical application/use” according to the test set forth in the memo. Thus, Appellants respectfully request withdrawal of the rejection of claims 1-23 under 35 U.S.C. §101.



B. **Ground of Rejection No. 2:**

Claims 1-27 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Parasnis.

1. **Judicial precedent has clearly established a legal standard for a *prima facie* anticipation rejection.**

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). Thus, for a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Appellants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

2. **The Examiner’s rejection of claims 1-27 is improper because the rejection fails to establish a *prima facie* case of anticipation.**

Generally, as described above, the present application is directed towards systems and methods for creating an application and providing localized information based on various localization parameters. For example, in an embodiment of the invention, a localized page is selected from a plurality of localized pages based on various locale parameters. For example, the localized pages may include a page in English, a page in Japanese, etc. Additionally, a localization manager may include other layouts or other settings for various locale parameters.

Accordingly, independent claim 1, recites, *inter alia*, “providing a page localization manager that identifies a locale-version of a requested page from a plurality of localized pages.” Independent claim 8 recites, *inter alia*, “providing a page localization manager that identifies a locale-version of a requested page from a plurality of localized pages.” Additionally, independent claim 15 recites, *inter alia*, “means for selecting a localized version of a requested page based on at least one locale parameter.” Finally, independent claim 18 recites “page localizational control logic stored on the machine readable medium and adapted to identify a localized one of a plurality of localized pages corresponding to a requested page. Thus, each independent claim includes the feature of identifying or selecting a locale-version or localized version of a requested page or a localized one of a plurality of localized pages.

As discussed in detail below and in stark contrast to the recited subject matter, the Parasnis reference discloses “a method and system are provided to facilitate localization of objects in markup language documents so that ***a single set of markup language documents (or a single document, if applicable) can be used to support a plurality of different languages.***” Parasnis et al., paragraph [0008]. (Emphasis added). Thus, according to Parasnis, “localized objects” replace “placeholder variables” in these documents. *Id.* When one of these documents is opened in a browser, “the placeholder variables are replaced with their associated localized objects during a pre-rendering operation.” *Id.* Thus, Parasnis does not disclose selecting or identifying a localized page. Instead, Parasnis uses a generic or ***single set of markup language documents*** for all locales, and then replaces variables in those documents with objects.

The difference between Parasnis and the present independent claims is more clearly set forth in paragraph [0033] of the specification of the present application, the entirety of which is cited below:

Turning now to FIGS. 3 and 4, an exemplary localization control process 200 of the localization manager 106 is described according to certain embodiments of the present technique. As noted above with reference to FIG. 2, the localization manager 106 may employ a variety of localization control logic to *select a localized page from a plurality of locale-versions of the page, thereby improving the efficiency of creating the pages at development time.* For example, the localization manager 106 can identify and recall any number of different locale-versions of a page based on locale parameters, such as language, country, variant, etc. If a user requests a page, then the localization manager 106 simply retrieves the appropriate locale-version of the page for presentation with the Web application. Accordingly, the localization manager 106 internationalizes pages of a Web application in a simple and efficient manner for static pages.

Application, paragraph [0033].

In rejecting independent claims 1, 8, 15, and 18, and characterizing Parasnis, the Examiner stated that “display pages are produced containing localized objects that convey content in the language selected by the user (paragraph block 0008) which meet the limitation of a page localization generator that is adapted to select a localized page.” Final Office Action mailed June 6, 2007, page 3. Even if Appellants hypothetically agree with the Examiner’s interpretation of the Parasnis reference, such an interpretation is *clearly different* than the claim feature of “selecting a localized page.” The invention disclosed in Parasnis *does not select a localized page*. It selects a non-localized page containing variables, and then replaces those variables with localized objects. The technique disclosed in Parasnis adds additional overhead to creation of these pages at development time. In contrast, the present Application improves “the efficiency of creating the pages at development time.” Application, paragraph [0033]. Thus, the invention disclosed in Parasnis does not identically show at least one claim feature recited in independent claims 1, 8, 15, and 18, and therefore cannot anticipate the independent claims of the present application. Additionally, the Examiner stated that

independent claims 8, 15, and 18 “incorporate substantially similar subject matter as claim 1 and are rejected along the same rationale.” Final Office Action mailed June 6, 2007, page 6. Thus, Appellants believe that independent claims 8, 15, and 18 are allowable over Parasnis for the reasons stated above.

In rejecting dependent claims 3, 4, and 5, the Examiner cited various portions of Parasnis that disclose “applications” or rendering “pages” in different languages. In rejecting claim 2, the Examiner stated that “Parasnis et al. teach that the lobby pages of FIGS. 2 and 3 are rendered in response to the user selecting English and German for the UI language respectively.” Final Office Action mailed June 6, 2007, page 4. In rejecting dependent claim 3, the Examiner stated that an “English lobby page 100 can be rendered in one of several different languages.” *Id.*, page 4. In rejecting claims 4 and 5, the Examiner stated that “Parasnis et al. teach that many of today’s software application programs are distributed in different versions that support various languages.” *Id.*, page 4. The Examiner appears to be using the fact that Parasnis discloses software or pages in different languages to anticipate claims 2, 3, 4, *and* 5. However, ***dependent claims 2, 3, 4, and 5 each recite different claim features.*** For example, claim 3 recites “wherein the locale parameter comprises ***a country identifier.***” (Emphasis added). Claim 4 recites “wherein the locale parameter comprises ***a locale variant.***” (Emphasis added). Finally, claim 5 recites “wherein the locale variant comprises ***a language dialect identifier.***” (Emphasis added). Accordingly, Appellants assert that a “country identifier,” a “locale identifier,” and a “language identifier” ***are different than selecting a language*** as disclosed in Parasnis. Accordingly, Appellants assert that claims 3, 4, and 5 are allowable over Parasnis both for their dependency on claim 1 and for the reasons discussed above. Similarly, in rejecting claim 22, the Examiner stated that claim 22 “incorporates substantially similar subject matter as claim 3, and is rejected along the same rationale.” *Id.*, page 8. Thus, Appellants assert that claim 22 is also allowable for its dependency on claim 20 and the reasons stated above.

Dependent claim 6 recites, *inter alia*, “the page localization generator comprises an action mapping correlating each localized page of a plurality of different locale-versions of a page to the at least one locale parameter associated with each localized page.” In rejecting dependent claim 6, the Examiner stated:

11. Regarding dependent claim 6, Parasnis et al. teach that as discussed above, many application programs are published in different language versions. POWERPOINT 2000’ also provides support for different languages, but does so by using the present invention. **The present invention enables an HTML-based UI to support a plurality of different languages using just a single set of HTML documents (one for each page required) (paragraph block 0034), which meet the limitation of the page localization generator comprises an action mapping correlating each localized page of a plurality of different locale-versions of a page to the at least one locale parameter associated with each localized page.**

Final Office Action mailed June 6, 2007, page 5. (Emphasis added).

As discussed above, Parasnis clearly states that the invention disclosed therein uses a *single-set of documents* for all languages. The Examiner admits this fact in characterizing Parasnis, as stated above in the rejection. The invention disclosed in Parasnis uses one set of documents for all languages, and, as stated above, uses localized objects to replace placeholder variables to localize the pages. Appellants assert that using a single set of documents for all languages is *clearly different* than using a localized page from a plurality of different locale-versions of a page” as recited in claim 6. Accordingly, Appellants assert that claim 6 is allowable over Parasnis, both for its dependency on claim 1 and for the reasons discussed above. Additionally, in rejecting dependent claims 9-11, 16, and 20, the Examiner stated that “the claims incorporate substantially similar subject matter as claim 6 and are rejected along the same rationale.” Accordingly, Appellants assert that the rejection of claims 9-11, 16, and 20 also suffers

from the deficiencies discussed above. Therefore, claims 9-11, 16, and 20 are allowable over the cited reference for the reasons stated above and for their dependency on independent claims 8, 15, and 18.

Dependent claim 7 recites, *inter alia*, “a model and a view separate from one another and separate from the controller, wherein the model is adapted to provide an application state for the application and the view is adapted to provide a view presentation for the application.” In rejecting dependent claim 7, the Examiner stated:

12. Regarding dependent claim 7, Parasnis et al. teach that an HTML document is created so as to include a plurality of place holder values corresponding to text, graphic, and/or media objects that are to be rendered in a specified language when the HTML document is displayed by a browser, to produce the UI page (paragraph block 0036), which meet the limitation of a model and a view separate from one another and separate from the controller, wherein the model is adapted to provide an application state for the application and the view is adapted to provide a view presentation for the application. It should be noted that the HTML page with placeholders is equivalent to the claimed model and the rendered UI page is equivalent to the claimed view.

Final Office Action mailed June 6, 2007, page 5.

Based on the Examiner’s rejection, it appears the Examiner is using an HTML page to anticipate *both* the “model” and the “view” recited in claim 7. Appellants assert that the “HTML page” with placeholders and the “rendered UI page” cited by the Examiner are both simply HTML pages. The rendering process interprets the HTML page to display to the user. In contrast, as clearly stated in claim 7, the model provides “an application state for the application,” while the view provides “a view presentation for the application.” For example, as stated in the specification of the present Application, “in a web-based application, the model 12 may comprise a JavaBean object or other suitable means for representing the application state 20...[r]egardless of the

application or type of object, an exemplary model 12 may comprise specific data and expertise or ability (methods) to get and set the data (by the caller).” Application, paragraph [0011]. An HTML page with placeholder variables **does not** contain specific data or methods to get and set the data. In fact, as clearly stated in Parasnis, “[t]he placeholder variables are linked to localized objects **through a reference file having entries populated with localized objects that are extracted from a dynamic link library (dll) file based on a language selected by a user.**” Parasnis et al., paragraph [0008]. (Emphasis added). Thus, the HTML page does not contain the localized objects, or the means for populating the localized objects, and is clearly not a model as recited in claim 7. Accordingly, Appellants believe that claim 7 is allowable for its dependency on claim 1 and for the reasons stated above.

Regarding claim 12, claim 12 recites, *inter alia*, “providing a filename format having a basename and at least one locale-identifying extension to the basename.” In rejecting claim 12, the Examiner pointed to the names of various “placeholder values” in lines of the “global.js” file disclosed in Parasnis. Final Office Action mailed June 6, 2007, page 6. However, the name of a **variable** is **clearly different** than a “**filename format**” recited in claim 12. In Parasnis, the filename is clearly “global.js,” which does not contain at least “one locale-identifying extension” as recited in claim 12. Additionally, the differences between Parasnis and claim 12 are more clearly illustrated by the general differences discussed above. For example, as stated above, Parasnis is directed towards using a **single set of documents** for all languages. Thus, **there would be no reason** for Parasnis to disclose a system having “locale-identifying extensions to the basename” of these documents, as Parasnis uses the same set of documents for all languages. Accordingly, Appellants believe that claim 12 is allowable over the cited reference for its dependency on claim 8 and for the reasons stated above.

Claim 13 recites, *inter alia*, “providing a layout mapping that identifies a **locale-version of a layout** for the requested page from a plurality of localized layouts.” (Emphasis added). In rejecting claim 13, the Examiner again points to the HTML

document and replacing of variables in that document with localized objects. This is *far different* than a “locale-version of a *layout*” as recited in independent claim 13. Indeed, Parasnis *does not associate or even mention layouts* of the HTML page with the localized objects. There is *no* support in Parasnis for the Examiner’s rejection, as the localized objects in an HTML page are not equivalent to the “layout” of the page. Similarly, because claim 14 is dependent on claim 13, the rejection of claim 14 also suffers from the deficiencies of the rejection of claim 13. Thus, Appellants assert that both claims 13 and 14 are allowable over Parasnis for their dependency on claim 8 and for the reasons stated above. Further, in rejecting claim 23, the Examiner stated that claim 23 “incorporates substantially similar subject matter as claim 13, and is rejected along the same rationale.” Accordingly, Appellants assert that claim 23 is allowable for the reasons stated above and for its dependency on claim 18.

Because the cited reference does not disclose all of the claim features as recited in independent claims 1, 8, 15, and 18, Appellants respectfully submit that independent claims 1, 8, 15, and 18, as well as those claims dependent thereon, cannot possibly be rendered obvious by the cited combination. Accordingly, Appellants respectfully submit that the Examiner’s rejections are legally and factually in error and request that the Board reverse these rejections and direct the Examiner to allow claims 1-27.



**Conclusion**

Appellants respectfully submit that all pending claims are in condition for allowance. However, if the Examiner or Board wishes to resolve any other issues by way of a telephone conference, the Examiner or Board is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: January 14, 2007

/Tait R. Swanson/

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8. **APPENDIX OF CLAIMS ON APPEAL**

**Listing of Claims:**

1. A system comprising:  
a controller generator that is adapted to provide an application with a controller  
that receives requests for data from users and responds to the requests by  
obtaining requested data; and  
a page localization generator that is adapted to select a localized page based on at  
least one locale parameter.
2. The system set forth in claim 1, wherein the locale parameter comprises a  
language identifier.
3. The system set forth in claim 1, wherein the locale parameter comprises a  
country identifier.
4. The system set forth in claim 1, wherein the locale parameter comprises a  
locale variant.
5. The system set forth in claim 4, wherein the locale variant comprises a  
language dialect identifier.
6. The system set forth in claim 1, wherein the page localization generator  
comprises an action mapping correlating each localized page of a plurality of different  
locale-versions of a page to the at least one locale parameter associated with each  
localized page.
7. The system set forth in claim 1, comprising a model and a view separate from  
one another and separate from the controller, wherein the model is adapted to provide an

application state for the application and the view is adapted to provide a view presentation for the application.

8. A method of creating an application, the method comprising:  
creating, with a processor-based device, a controller that receives requests for data from users and responds to the requests by obtaining requested data; and  
providing a page localization manager that identifies a locale-version of a requested page from a plurality of localized pages.

9. The method set forth in claim 8, wherein providing the page localization manager comprises mapping at least one locale identifier to each one of the plurality of localized pages.

10. The method set forth in claim 9, wherein mapping comprises creating an action mapping file configuring an action forward as a localized type.

11. The method set forth in claim 9, wherein mapping comprises configuring an action class to set an action forward as a localized type.

12. The method set forth in claim 8, wherein providing the page localization manager comprises providing a filename format having a basename and at least one locale-identifying extension to the basename.

13. The method set forth in claim 8, wherein providing the page localization manager comprises providing a layout mapping that identifies a locale-version of a layout for the requested page from a plurality of localized layouts.

14. The method set forth in claim 13, wherein providing the layout mapping comprises supporting a localized navigation framework for the requested page.

15. A system for creating an application, the system comprising:  
means for creating a controller that provides control functions for the application, the controller being adapted to receive requests for data from users and respond to the requests by obtaining requested data; and

means for selecting a localized version of a requested page based on at least one locale parameter.

16. The system set forth in claim 15, wherein the means for selecting comprises means for mapping each localized page of a plurality of different localized versions of the requested page to the at least one locale parameter associated with each localized page.

17. The system set forth in claim 15, wherein the means for selecting comprises means for storing the localized version.

18. A program for creating an application, comprising:  
a machine readable medium; and  
page localizational control logic stored on the machine readable medium and adapted to identify a localized one of a plurality of localized pages corresponding to a requested page.

19. The program set forth in claim 18, comprising architectural control logic stored on the machine readable medium and adapted to receive requests for data from users and respond to the requests by obtaining requested data.

20. The program set forth in claim 18, wherein the page localizational control logic comprises an action mapping correlating each page of the plurality of localized pages to at least one locale parameter associated with each page.

21. The program set forth in claim 20, wherein the at least one locale parameter comprises a language identifier.

22. The program set forth in claim 20, wherein the at least one locale parameter comprises a country identifier.

23. The program set forth in claim 18, wherein the page localizational control logic is adapted to identify a localized layout of a plurality of localized page layouts.

24. The system of claim 1, comprising a client configured to display the localized page.

25. The method of claim 8, comprising providing the locale-version of the requested page for display on a client.

26. The system of claim 15, comprising means for displaying the localized version of the requested page.

27. The program of claim 18, comprising display logic stored on the machine readable medium and configured to display the localized one of the plurality of localized pages.

9. **EVIDENCE APPENDIX**

**Exhibit 1:**



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
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**MEMORANDUM**

DATE: April 12, 2007  
TO: Technology Center Directors  
FROM: John J. Love *[Signature]*  
Deputy Commissioner  
For Patent Examination Policy  
SUBJECT: **Clarification of Interim Guidelines For Examination of Patent Applications  
for Subject Matter Eligibility**

Certain inconsistencies have come to my attention in the application of the Interim Guidelines For Examination of Patent Applications for Subject Matter Eligibility, which are set forth in section 2106 of the Manual of Patent Examining Procedure (8<sup>th</sup> Ed. Rev. 5, Aug. 2006) (MPEP). The situation arises in the context of whether or not a claim is for a practical application of an abstract idea, law of nature, or natural phenomenon. As stated in the Interim Guidelines, a claim is for a practical application of an abstract idea, law of nature, or natural phenomenon when the claimed invention "transforms" an article or physical object to a different state or thing, or when the claimed invention produces a useful, concrete and tangible result. See MPEP 2106, subsection IV.C.2.

**Focus on Result**

A practical application in this context can be the result itself, and does not require that steps or additional limitations be added to the claim. As stated in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed. Cir. 1998):

Today, we hold that the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces "a useful, concrete and tangible result"-- a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades.

It is the result that should be the focus. If the result has a real world practical application/use, then the test has been satisfied. The claim need not include the uses to which the result is ultimately put, just the result itself. Another example would be an improved method for measuring blood sugar levels in human beings. In this example, the end result is the blood sugar level which is a practical application for diagnostic purposes. Accordingly, reciting the improved method, and the result it achieves---the measurement of the blood sugar level---is all that is necessary for patent-eligibility. The diagnostic steps that occur after the determination of the blood sugar level need not necessarily be present in the claims in order for the claims to be statutory.

Use of Specific Terminology

Another area of inconsistency surrounds the use of the terms such as “determining,” “calculating,” and similar expressions. Some object to these as not creating a tangible result. Such terms may in fact be sufficient to establish a tangible result. *See, e.g., State Street*, 149 F.3d at 1375, 47 USPQ2d at 1602 (holding the calculation of a number having a real world value and to be a “useful, concrete, and tangible result”) and *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 50 USPQ2d 1447 (Fed. Cir. 1999) (holding a method claim including the generation of a message record for an interexchange call to be statutory). The specification should be referred to for a meaning of the terms. *See In re Musgrave*, 431 F.2d 882, 893, 167 USPQ 280, 289 (CCPA 1970) (“[w]e cannot agree with the board that these claims (all the steps of which can be carried out by the disclosed apparatus) are directed to non-statutory processes merely because some or all the steps therein can also be carried out in or with the aid of the human mind or because it may be necessary for one performing the processes to think. . . .”).

10. **RELATED PROCEEDINGS APPENDIX**

None.